

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DONALD JAMES ANSON,

Plaintiff,

v.

ORDER  
07-CV-035A

UNITED STATES OF AMERICA,

Defendant.

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This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(A). On February 2, 2010, plaintiff filed an application for appointment of counsel.

On March 23, 2010, Magistrate Judge Schroeder filed a Decision and Order, denying plaintiff's application. On April 13, 2010, plaintiff filed an appeal of Magistrate Judge Schroeder's decision.

Pursuant to 28 U.S.C. § 636(b)(1)(A), the district court "may reconsider any pretrial matter under this [section] where it has been shown that the magistrate's order is clearly erroneous or contrary to law." The Court has reviewed plaintiff's appeal and Magistrate Judge Schroeder's Decision and Order. Upon such review and after hearing argument from counsel, the Court finds that Magistrate Judge Schroeder's Decision and Order is neither clearly erroneous nor contrary to law.

Accordingly, the Court affirms the Decision and Order.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: April 22, 2010